



**COPE
INTERNAL DISCIPLINE PROCEDURES**

March 2016

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COPE INTERNAL DISCIPLINE PROCEDURES

I- COMPLAINT AGAINST A MEMBER OR A LOCAL UNION OFFICER ACTING IN THIS CAPACITY

01- All complaints include the following:

- a) the name and bargaining unit of the charged member;
- b) the date or dates of each alleged offence;
- c) the sections of the bylaws or the Constitution of the Local Union, or the Constitution of the National Union which are alleged to have been violated;
- d) a brief statement of the facts describing each alleged violation;
- e) the printed name, address, telephone number and the signature of the person filing the complaint.

02- Any proceedings shall commence with a complaint filed in writing with the Local Union President or Recording Secretary within sixty (60) days of the date of the alleged violation or of being aware of the alleged violation who shall then submit it to the Local Union Executive Board of the Local Union. The President shall also notify the charged member in writing that a complaint has been filed, with a copy of such complaint.

These procedures apply only to Local Union members and officers.

03- The following are entitled to file complaints:

- a member or an officer of the Local Union;
- an officer of the National Union.

04- In the event one of the members of the Local Union Executive Board is charged in the complaint filed, they shall refrain from participating in the discussions and deliberations.

05- The charged member shall have the right to contest such complaint in writing by transmitting their statement to the Local Union President prior to the meeting of the Local Union Executive Board. The Local Union President shall transmit such statement to the Local Union Executive Board.

06- The Executive Board shall first decide on the admissibility of the complaint. If it is determined that the complaint was not filed in a timely manner, or if it is decided that it does not appear to raise a clear case of violation of the constitution and bylaws, it shall in writing reject the complaint. If the complaint was filed in a timely manner and appears to raise a case of violation of the constitution and bylaws, it shall proceed with the complaint.

The Executive Board shall proceed in an orderly, fair and impartial manner, in accordance with the hearing proceedings and introduction of evidence it deems appropriate.

The Local Union Executive Board shall render their decision according to equity and the merits of the case.

It is within the power of the Local Union Executive Board to decide, at its next meeting, to:

- a) allow the complaint, in part or in its entirety;
- b) dismiss it.

In the event it allows the complaint, the Local Union Executive Board shall impose the penalty deemed to be fair and just:

- a) reprimand in writing;
- b) fine;
- c) suspension from membership for a specified period of time;
- d) suspension of the right to hold office for a specified period of time;
- e) expulsion from membership, or prohibition from holding office;
- f) reimbursement of any monetary losses;
- g) any combination of the foregoing penalties.

The decision of the Local Union Executive Board shall be in writing, substantiated and notified to the interested parties as soon as possible.

- 07- A person who believes they have been wronged by a decision rendered by the Local Union Executive Board may, within thirty (30) days of notification of the decision, file an appeal to the Council. They shall forward a statement of appeal to the Council President, with a copy served to the interested parties.

Where there is no Council, the appeal is filed with the National Executive in accordance with the procedure outlined in Articles 13 and following.

- 08- The statement of appeal includes the following:

- a) the name, address, phone and fax numbers, e-mail addresses of the parties, the Local Union number of the appealing party or parties;
- b) a copy of the decision;
- c) the relevant sections of the bylaws or the Constitution of the Local Union, and any relevant piece of legislation;
- d) a summary of the grounds of appeal;
- e) a declaration explaining the corrective action sought.

- 09- The respondent may, within thirty (30) days of the notification, contest the appeal in writing to the Council President, with a copy served to the appealing party. This document shall include their claims and state what findings they seek.

- 10- An appeal filed in accordance with these rules will not defer the imposition of any penalty. A request for the suspension of any penalty must state the reasons supporting the request and shall be filed with the Council President with a copy to the opposing party who may choose to contest. The Council Executive Board shall decide on the validity of the request on the basis of the documents presented in support of the request. Suspension of penalty may be granted when the applicant appears to be entitled to it and it is considered to be

necessary in order to avoid serious or irreparable injury to them, or a situation of such a nature as to render the judgement in appeal ineffectual. This decision is final.

- 11- Upon receipt of the appeal documents, the Council President shall transmit them to the Council Executive Board. The Executive Board shall proceed in an orderly, fair and impartial manner, in accordance with the hearing proceedings and introduction of evidence it deems appropriate. The Council Executive Board shall render its decision according to equity and the merits of the case. The Council Executive Board may decide to impose any of the penalties outlined above.
- 12- The decision of the Council Executive Board shall be in writing, substantiated and notified to the interested parties as soon as possible.
- 13- A person who believes they have been wronged by a decision rendered by the Council Executive Board may, within thirty (30) days of notification of the decision, request permission to appeal to the National Executive.

They shall forward their request for permission to appeal to the National President, with a copy served to the interested parties.

The request for permission to appeal shall include a copy of the contested decision. It shall state what findings and remedy they seek, and the reasons why the National Executive should hear the appeal.

- 14- The respondent may contest that the permission to appeal be given. In such a case they shall make their submissions in writing to the National President and serve a copy to the appealing party within thirty (30) days of the notification of the request for permission to appeal. This document shall include their claims and state what findings they seek.

The National Executive shall grant permission to appeal except if it considers it frivolous, manifestly unfounded or irrelevant. The National President shall then forward the National Executive's decision to the interested parties.

In the event that permission to appeal is granted, the appeal follows its course in accordance with the following articles.

- 15- An appeal filed in accordance with these rules will not defer the imposition of any penalty. A request for the suspension of any penalty must state the reasons supporting the request and shall be filed with the National President with a copy to the opposing party who may choose to contest. The National Executive at its next meeting shall decide on the admissibility of the request on the basis of the documents presented in support of the request. Suspension of penalty may be granted when the applicant appears to be entitled to it and it is considered to be necessary in order to avoid serious or irreparable injury to them, or a situation of such a nature as to render the judgement in appeal ineffectual. This decision is final.
- 16- If appropriate and provided the parties agree to it, the National Executive may elect to make its decision on the basis of the record. This decision is final.

17- Should the National Executive opt not to proceed as set out in the preceding paragraph then it shall refer this appeal to an Appeals Committee consisting of one or more persons it appoints one of which at least is a member of the National Executive.

18- Before rendering a decision, the Appeals Committee will allow the parties to be heard.

19- The appointees to the Appeals Committee shall not have any conflict of interest.

20- The Appeals Committee shall hold a hearing at a suitable place and send written notice thereof, at least fifteen (15) days in advance, which shall specify the date, time and place of the hearing to all interested parties.

21- If one of the parties does not appear at the hearing after having been duly advised and does not present any good cause for not attending, or refuses to testify, the Appeals Committee may decide to proceed with the case and render a decision.

22- The Appeals Committee shall proceed in an orderly, fair and impartial manner, in accordance with the hearing proceedings and introduction of evidence it so chooses and in accordance with the principles of natural justice and the duty of fairness.

23- The Appeals Committee shall render its decision in writing, substantiated and according to equity and the merits of the case. The Appeals Committee may decide to impose any of the penalties outlined above.

The Appeals Committee shall forward its decision in writing to the National Executive with a copy to each of the parties."

24- The Appeals Committee's decision is binding upon the National Executive who shall make a decision accordingly.

II- COMPLAINT AGAINST A COUNCIL OFFICER ACTING IN THIS CAPACITY

25- Any proceedings shall commence with a complaint filed in writing with the Council President or Recording Secretary within sixty (60) days of the date of the alleged violation or of being aware of the alleged violation who shall then submit it to the Council Executive Board. The Council President shall also notify the charged member in writing that a complaint has been filed, with a copy of such complaint.

26- All complaints include the following:

- a) the name of the charged officer;
- b) the date or dates of each alleged offence;
- c) the sections of the bylaws or the Constitution of the Council, or the Constitution of the National Union which are alleged to have been violated;
- d) a brief statement of the facts describing each alleged violation;

- e) the printed name, address, telephone number and the signature of the person filing the complaint.

27- The following are entitled to file complaints:

- a member, a Council officer, or an officer of a Local Union;
- an officer of the National Union.

28- A member of the Council Executive Board who is being charged in the complaint filed shall refrain from participating in the discussions and deliberations.

29- The charged member shall have the right to contest such complaint in writing by transmitting their statement to the Council President prior to the meeting of the Council Executive Board. The President shall transmit such statement to the Council Executive Board.

30- The Executive Board shall first decide on the admissibility of the complaint. If it is determined that the complaint was not filed in a timely manner, or if it is decided that it does not appear to raise a clear case of violation of the constitution and bylaws, it shall in writing reject the complaint. If the complaint was filed in a timely manner and appears to raise a case of violation of the constitution and bylaws, it shall proceed with the complaint.

The Executive Board shall proceed in an orderly, fair and impartial manner, in accordance with the hearing proceedings and introduction of evidence it deems appropriate.

The Council Executive Board shall render its decision according to equity and merits of the case.

It is within the power of the Council Executive Board to decide, at its next meeting, to:

- a) allow the complaint, in part or in its entirety;
- b) dismiss it.

In the event it allows the complaint, the Council Executive Board shall impose the penalty deemed to be fair and just:

- a) reprimand in writing;
- b) fine;
- c) suspension from membership for a specified period of time;
- d) suspension of the right to hold office for a specified period of time;
- e) expulsion from membership, or prohibition from holding office;
- f) reimbursement of any monetary losses;
- g) any combination of the foregoing penalties.

The decision of the Council Executive Board shall be in writing, substantiated and notified to the interested parties as soon as possible.

- 31- A person who believes they have been wronged by a decision rendered by the Council Executive Board may, within thirty (30) days of notification of the decision, request permission to appeal to the National Executive.

They shall forward their request for permission to appeal to the National President, with a copy served to the interested parties.

The request for permission to appeal shall include a copy of the contested decision. It shall state what findings and remedy they seek, and the reasons why the National Executive should hear the appeal.

- 32- The respondent may contest that the permission to appeal be given. In such a case they shall make their submissions in writing to the National President and serve a copy to the appealing party within thirty (30) days of the notification of the request for permission to appeal. This document shall include their claims and state what findings they seek.

The National Executive shall grant permission to appeal except if it considers it frivolous, manifestly unfounded or irrelevant. The National President shall then forward the National Executive's decision to the interested parties.

In the event that permission to appeal is granted, the appeal follows its course in accordance with the following articles.

- 33- An appeal filed in accordance with these rules will not defer the imposition of any penalty. A request for the suspension of any penalty must state the reasons supporting the request and shall be filed with the National President with a copy to the opposing party who may choose to contest. The National Executive at its next meeting shall decide on the validity of the request on the basis of the documents presented in support of the request. Suspension of penalty may be granted when the applicant appears to be entitled to it and it is considered to be necessary in order to avoid serious or irreparable injury to them, or a situation of such a nature as to render the judgement in appeal ineffectual. This decision is final.

- 34- If appropriate and provided the parties agree to it, the National Executive may elect to make its decision on the basis of the record.

- 35- Should the National Executive opt not to proceed as set out in the preceding paragraph then it shall refer this appeal to an Appeals Committee consisting of one or more persons it appoints one of which at least is a member of the National Executive.

- 36- Before rendering a decision, the Appeals Committee will allow the parties to be heard.

- 37- The appointees to the Appeals Committee shall not have any conflict of interest.

- 38- The Appeals Committee shall hold a hearing at a suitable place and send written notice thereof, at least fifteen (15) days in advance, which shall specify the date, time and place of the hearing to all interested parties.

- 39- If one of the parties does not appear at the hearing after having been duly advised and does not present any good cause for not attending, or refuses to testify, the Appeal Committee may decide to proceed with the case and render a decision.
- 40- The Appeals Committee shall proceed in an orderly, fair and impartial manner, in accordance with the hearing proceedings and introduction of evidence it so chooses and in accordance with the principles of natural justice and the duty of fairness.
- 41- The Appeals Committee shall render its decision in writing, substantiated and according to equity and the merits of the case. The Appeals Committee may decide to impose any of the penalties outlined above.
- 42- The Appeals Committee's decision is binding upon the National Executive who shall make a decision accordingly.

III- COMPLAINT AGAINST A NATIONAL EXECUTIVE OFFICER

- 43- Any proceedings shall commence with a complaint filed in writing with the National President who shall then submit it to the National Executive. The National President shall also notify the charged member in writing that a complaint has been filed, with a copy of such complaint.
- 44- All complaints include the following:
- a) the name of the charged officer;
 - b) the date or dates of each alleged offence;
 - c) the sections of the National Constitution which are alleged to have been violated;
 - d) a brief statement of the facts describing each alleged violation;
 - e) the printed name, address, telephone number and the signature of the person filing the complaint.
- 45- The following are entitled to file complaints:
- a member, an officer of a Local Union, a Council officer, or an officer of the National Union.
- 46- In the event one of the members of the National Executive is charged in the complaint filed, they shall refrain from participating in the disposition of the complaint.
- 47- The charged member shall have the right to contest such complaint in writing by transmitting their statement to the National President prior to the meeting of the National Executive. The National President shall transmit such statement to the National Executive.
- 48- The National Executive shall appoint three (3) persons to form an independent trial board.

- 49- Before rendering a decision, the trial board will allow the parties to be heard.
- 50- The members of the trial board shall not have any conflict of interest.
- 51- The trial board shall hold a hearing at a suitable place and send written notice thereof, at least fifteen (15) days in advance, which shall specify the date, time and place of the hearing to all interested parties.
- 52- If one of the parties does not appear at the hearing after having been duly advised and does not present any good cause for not attending, or refuses to testify, the trial board may decide to proceed with the case and render a decision.
- 53- The trial board shall proceed in an orderly, fair and impartial manner, in accordance with the hearing proceedings and introduction of evidence it so chooses and in accordance with the principles of natural justice and the duty of fairness.
- 54- The trial board shall render its decision in writing, substantiated and according to equity and the merits and of the case. The trial board may decide to impose any of the following penalties:
- a) reprimand in writing;
 - b) fine;
 - c) suspension from membership for a specified period of time;
 - d) suspension of the right to hold office for a specified period of time;
 - e) expulsion from membership, or prohibition from holding office;
 - f) reimbursement of any monetary losses;
 - g) any combination of the foregoing penalties.
- 55- The trial board's decision is binding upon the National Executive who shall make a decision accordingly.

IV- GENERAL PROVISIONS

- 56- Any documents shall be couriered, faxed, e-mailed or forwarded by bailiff.
- 57- In any issues, the parties shall be responsible for their own expenses and fees and have the right to be represented. Each party shall also cover the costs and/or loss of wages of their witnesses.
- 58- Time limits defined in this article may be extended by the body dealing with the appeal if reasonable grounds warrant such extension and provided that no serious prejudice to any party results from such an extension.
- 59- There shall be no resort to any court of law until all remedies within the National Union under its Constitution have been exhausted.
- 60- In the event the President has a conflict of interest, the complaint and any other document shall be filed with the Secretary-Treasurer.